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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Steven HILL et al.

Group Art Unit: 1723

Appln. No. : 09/857,204

Examiner: D. L. Sorkin

Filed : September 18, 2001

For : FLUID MIXING DEVICE

**NOTICE OF APPEAL**

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of July 1, 2004, rejecting claims 1-37. At least claims 1-9 and 20-37 have been twice or finally rejected, as required under 37 C.F.R. §41.31(a)(1).

No extension of time under 37 C.F.R. 1.136(a) is required.

A Notice of Appeal was previously filed on February 17, 2004 in response to the Final Official Action of August 15, 2004. A check, including the requisite fee under 37 C.F.R. §1.17(c), for the filing of an earlier Notice of Appeal, was previously filed on August 15, 2004. Accordingly, the fee for a Notice of Appeal has already been "once paid" under 35 U.S.C. §134(a), and should be applied to this later Notice of Appeal on the same application (see MPEP 1208.03, page 1200-26, 8<sup>th</sup> edition, 1st Revision).

The U.S. Patent and Trademark Office is hereby authorized to charge any additional necessary fees, or credit any overpayment, to Deposit Account No. 19-0089.

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If there are any questions about this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,  
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October 1, 2004  
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